

1 Gary A. Hecker, Esq. (State Bar No. 099008)  
2 James M. Slominski, Esq. (State Bar No. 166357)  
3 **THE HECKER LAW GROUP, PLC**  
4 1925 Century Park East, Suite 2300  
5 Los Angeles, California 90067  
6 Telephone: (310) 286-0377  
7 Facsimile: (310) 286-0488  
8 Email: [ghecker@hh.com](mailto:ghecker@hh.com)  
9 [jslominski@hh.com](mailto:jslominski@hh.com)

10 Attorneys for Plaintiff  
11 Network Video Technologies, Inc.

12  
13 **IN THE UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 NETWORK VIDEO  
16 TECHNOLOGIES, INC.,

17 Plaintiff,

18 v.

19 NITEK INTERNATIONAL, LLC;  
20 and DOES 1-10,

21 Defendants.

Civil Action No. CV 08-02208 MHP

**PLAINTIFF'S VERIFIED OPPOSITION  
(IN-PART) TO DEFENDANT'S  
ADMINISTRATIVE MOTION TO SET  
ITS F.R.C.P. 12(B)(1) MOTION TO  
DISMISS FOR HEARING ON JULY 28,  
2008**

22 **To the Court:**

23 Plaintiff, NETWORK VIDEO TECHNOLOGIES, INC. ("NVT"), by and  
24 through its undersigned counsel, hereby opposes Defendant's ex-parte Administrative  
25 Motion to set its F.R.C.P. 12(b)(1) Motion to Dismiss for hearing on July 28, 2008 on  
the following grounds:

- 26 1. Defendant never consulted Plaintiff about this ex-parte motion as  
27 required by Civil Local Rule 7-11;  
28 2. Defendant never met and conferred with Plaintiff on the underlying

1 Motion to Dismiss prior to filing (which was done without leave of Court), or on the  
2 proposed hearing date;

3 3. Plaintiff's lead counsel, Mr. Hecker, is on vacation with his family (that  
4 has already been fully paid for) in Hawaii from July 1, 2008 to July 7, 2008, the date  
5 on which Plaintiff's opposition would be due; and

6 4. In addition to Mr. Hecker's unavailability, setting the hearing on a date  
7 which makes the opposition due on a holiday weekend is unfair to Plaintiff Counsel's  
8 staff, who will have to now work over the Fourth of July weekend.

9 Plaintiff also disagrees with Defendant's characterization of the history between  
10 the parties. That, however, is for resolution at another time. Plaintiff, therefore,  
11 requests that the Court do the following:

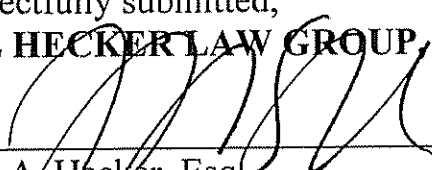
12 1. Take Defendant's Motion to Dismiss (for lack of subject matter  
13 jurisdiction) off-calendar;

14 2. Order Defendant to file an answer preserving its grounds for dismissal;  
15 and

16 3. Address the Motion to Dismiss issue at the August 18, 2008 Case  
17 Management Conference as set forth in the Court's Standing Order and, if necessary,  
18 set a hearing and briefing schedule at that time.

19  
20 DATED: June 11, 2008

Respectfully submitted,  
**THE HECKER LAW GROUP, PLC**

21 By:   
22 Gary A. Hecker, Esq.  
23 James M. Slominski, Esq.  
24 Attorneys for Plaintiff  
Network Video Technologies, Inc.

25 I declare under penalty of perjury under the laws of the United States of America that  
26 the foregoing is true and correct. Executed this 11<sup>th</sup> day of June 2008 at Los Angeles,  
27 Ca.

28   
James M. Slominski